UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

IN RE:	)	**CHAPTER 13**
HENRY CHARLES MAY	)	**CASE NUMBER G15-22170-JRS**
	)	
DEBTOR	)	

MOTION TO DISMISS

COMES NOW Nancy J. Whaley, Standing Chapter 13 Trustee, in the above styled case, and respectfully shows the Court as follows:

1.

Debtor filed a petition for relief under Chapter 13 of Title 11.

2.

Debtor's Plan will exceed sixty months by three (3) months in violation of 11 U.S.C. 1322(d)(2)(C) and 11 U.S.C. 1307(c).

3.

Debtor has failed to tender all plan payments due in accordance with the confirmed plan. As of 8/4/2016 the Trustee received a total of $2,980.00. The Trustee's records indicate the amount delinquent is $1,560.00. A receipt history is attached and marked exhibit A.

Wherefore, the Trustee prays that this case be dismissed or in alternative that the Debtor proposes a modification to meet the requirements of the confirmed plan that ensures that the plan is completed within the allowable time.

This the 4th day of August, 2016.

/s/____

Maria C. Joyner
Attorney for the Chapter 13 Trustee
State Bar No. 118350
303 Peachtree Center Avenue, NE
Suite 120
Atlanta, GA 30303
678-992-1201

EXHIBIT "A"

CASE NO: G15-22170-JRS 08/04/2016
HENRY CHARLES MAY

RECEIPT HISTORY OVER THE LAST 12 MONTHS

DATE	TYPE	SOURCE	AMOUNT
May 03, 2016	M.O.	23405913538	$520.00
March 30, 2016	M.O.	23405909635	$520.00
March 02, 2016	M.O.	20663524790	$520.00
February 01, 2016	M.O.	23276618188	$520.00
December 04, 2015	M.O.	20648484096	$450.00
November 13, 2015	M.O.	206484831190	$450.00
		Receipt Total:	**$2,980.00**

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	)	
DEBTOR	)	

NOTICE OF HEARING ON MOTION TO DISMISS CASE

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed a Motion to Dismiss and related exhibits with the Court seeking an Order of Dismissal.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on **September 08, 2016** at **9:30 AM in Room 103, 121 Spring Street, SE, Gainesville, GA. 30501**.

Failure to appear at the hearing or failure to resolve the matter prior to the hearing may result in the dismissal of your case. You should read this motion carefully and discuss it with your attorney, if you have one in your bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the dismissal of your case, you and/or your attorney must attend the hearing unless you have settled the matter prior to the hearing.

This the 4th day of August, 2016.

/s/____

Maria C. Joyner
Attorney for the Chapter 13 Trustee
State Bar No. 118350
303 Peachtree Center Avenue, NE
Suite 120
Atlanta, GA 30303
678-992-1201

CERTIFICATE OF SERVICE

Case No: G15-22170-JRS

This is to certify that I have this day served the following with a copy of the foregoing Chapter 13 Trustee's Motion to Dismiss by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon.

Debtor(s):
HENRY CHARLES MAY
72 LITTLE JOHN LANE
MURRAYVILLE, GA 30564

By Consent of the parties, the following have received an electronic copy of the foregoing Chapter 13 Trustee's Motion to Dismiss through the Court's Electronic Case Filing system.

Attorney for the Debtor(s):
CLARK & WASHINGTON, P.C.
ecfnotices@cw13.com

This the 4th day of August, 2016.

/s/_________________________________

Maria C. Joyner
Attorney for the Chapter 13 Trustee
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Atlanta, GA 30303
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